

1 of 2

1 Defendant Robert Beckett asked the Court to reconsider as to the merits of the state law
2 malicious prosecution claim and also to dismiss under 28 U.S.C. § 1367(c)(3), but the Court
3 denied the motion. Beckett appealed, and the Court of Appeals affirmed on both counts.
4 Defendant Robert Bettinger has now asked the Court to certify the immunity question to the
5 Nevada Supreme Court, and Beckett has joined the motion.

6 The Supreme Court may answer questions of law certified to it by the
7 Supreme Court of the United States, a Court of Appeals of the United States or of
8 the District of Columbia, a United States District Court, or a United States
9 Bankruptcy Court when requested by the certifying court, if there are involved in
any proceeding before those courts questions of law of this state which may be
determinative of the cause then pending in the certifying court and as to which it
appears to the certifying court there is no controlling precedent in the decisions of
the Supreme Court of this state.

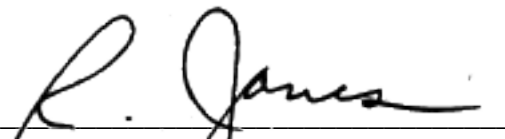
10 Nev. R. App. P. 5(a). In order to be “determinative of the cause,” the answer the Nevada
11 Supreme Court is asked to answer must be dispositive of at least part of the federal case. *Volvo*
12 *Cars of N. Am., Inc. v. Ricci*, 137 P.3d 1161, 1164 (Nev. 2006). There is controlling precedent in
13 this case, as noted by both this Court and the Court of Appeals. Nor will the Court reconsider its
14 exercise of supplemental jurisdiction.

15 CONCLUSION

16 IT IS HEREBY ORDERED that the Motion to Certify Questions of Law to the Supreme
17 Court of Nevada, or, in the Alternative, for Dismissal Pursuant to 28 U.S.C. § 1367 (ECF No.
18 75) is DENIED.

19 IT IS SO ORDERED.

20 DATED: This 18th day of October, 2016.

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24 ROBERT C. JONES
United States District Judge